

STATE OF NEW HAMPSHIRE
INTRA-DEPARTMENT COMMUNICATION



FROM Matt Urban
Wetlands Program Manager

DATE July 26, 2017
AT (OFFICE) Bureau of Environment

SUBJECT Wetland Bureau Permit # 2016-02893
Bedford, 13953

TO Victoria Chase, Bureau of Highway Design

Forwarded herewith, for your files and further use as appropriate, is a copy of the subject permit as approved by the Wetlands Bureau and the Water Division on 3/17/2017.

Please note specific conditions on permit.

TERRAIN ALTERATION

Note that the non-site specific permit (RSA 485-A: 17 "Terrain Alteration") is part of this Wetlands Bureau Permit.

WATER QUALITY CERTIFICATION

- ☒ This permit covers the project's consideration for Water Quality protection and no further action is required by this office.
- ☐ This permit does not cover the Water Quality protection for this project. However, a Water Quality Permit will be obtained for this project.

CORPS PERMIT STATUS

- ☐ No Corps Jurisdiction
- ☐ SPGP (Minimum Impact) - No waiting period; no Corps approval required
- ☐ SPGP (Minor Impact)-Wait 30 days from NHWB issuance date; no written approval from Corps required
- ☐ SPGP (Major Impact)-Wait 30 days from NHWB issuance date; written approval from Corps required
- ☐ Emergency - No waiting period; No written approval from Corps required
- ☐ Amendment - No waiting period; No written approval from Corps required
- ☒ Corps Individual Permit Required

ACOE CONFIRMATION ON 3/24/2017, DO NOT NEED TO WAIT 30 DAYS

COASTAL ZONE MANAGEMENT (CZM) STATUS

- ☒ Outside of Coastal Zone-consistency finding not necessary from OSP
- ☐ Within Coastal Zone (Non-Federal Action)-consistency finding not necessary from OSP
- ☐ Within Coastal Zone (Federal Action)-if covered by SPGP, or no Corps' jurisdiction, consistency finding is automatic from OSP
- ☐ Within Coastal Zone (Federal Action)-if individual Corps permit, written consistency finding is necessary from OSP

EROSION CONTROL PLAN STATUS

- ☐ Erosion Control Plan Required; Submit Erosion Control Plan to DES Wetlands Bureau

If you have any questions, please call 271-3226.

MRU:sel

Encl.

cc:

BOE Original

Darrel Elliott, Environmental Coordinator (Via Electronic Notification)

Marc Lauren, Environmental Manager (Via Electronic Notification)

Maggie Baldwin, Bureau of Highway Design

Lysa Bennet-Crouch- Bureau of Highway Design



Department of Environmental Services



Robert R. Scott, Commissioner

NH DEPARTMENT OF
TRANSPORTATION

WETLANDS AND NON-SITE SPECIFIC PERMIT 2016-02893

Permittee: NH DEPT OF TRANSPORTATION
PO BOX 483; CONCORD NH 03302-0483
Project Location: NH ROUTE 101 - WALLACE STREET TO BOYNTON ROAD, BEDFORD
Waterbody: RIDDLE, BOWMAN & PATTEN BROOKS

NOTE CONDITIONS

APPROVAL DATE: MARCH 17, 2017 EXPIRATION DATE: MARCH 17, 2022

Based upon review of the above referenced application, in accordance with RSA 482-A and RSA 485-A:17, a Wetlands Permit and Non-Site Specific Permit was issued. This permit shall not be considered valid unless signed as specified below.

PERMIT DESCRIPTION: Widen Route 101 approximately 2 miles from Wallace Rd. to Route 114/Boynton St. constructing turn lanes, medians and sidewalks impacting 236,848 sq. ft. (56,110 sq. ft. temporary) of palustrine and riverine wetlands. Compensatory mitigation includes a one-time payment of \$954,706.95 to the Aquatic Resource Mitigation Fund. NHDOT project 13953.

THIS APPROVAL IS SUBJECT TO THE FOLLOWING PROJECT SPECIFIC CONDITIONS:

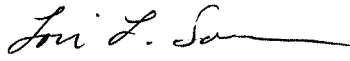
1. All work shall be in accordance with:
 - a. Plans by NHDOT Bureau of Highway Design dated 11/14/15 (REVISED Jan. 27, 2017) as received by the Department on Feb. 7, 2017 and
 - b. Simulated Streambed Material shall be in accordance with Special Provision sheet / chart dated Feb. 1, 2017 (Bedford 13953).
2. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site, at the NHDES Office in Concord, N.H. or NHDOT Office in Concord, N.H. to review the conditions of this wetlands permit.
3. It shall be the responsibility of the permittee to schedule and coordinate the pre-construction meeting providing at least 5-day notice to the NHDES Wetlands Bureau and / or other Land Resources Management Program staff, and the meeting shall be attended by the permittee, the contract administrator(s), wetlands scientist(s), erosion control monitor, and the contractor(s) responsible for performing the work.
4. Any dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
6. Construction equipment shall not be located within surface waters.
7. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
8. Within three days of the last activity in an area, all exposed soil areas, where construction activities are complete, shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack on slopes steeper than 3:1 or netting /matting and pinning on slopes steeper than 2:1.

9. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching or if temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching, mulching with tack on slopes steeper than 3:1 and stabilized by matting and pinning on slopes steeper than 2:1.
10. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
11. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
12. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
13. Proper headwalls shall be constructed within seven days of culvert installation.
14. Work shall be done during low flow.
15. Should invasive species be encountered during construction, the contractor will follow the appropriate procedures outlined in NHDOT's Best Management Practices for Roadside Invasive Plants, dated 2008 to ensure proper handling and disposal.
16. All construction personnel shall be informed to exercise caution and be aware during turtle nesting season between late May and early July. Nesting turtles are to be reported to NH Fish and Game Dept. which is to be added to the project construction list.
17. Coco/straw matting shall be used instead of netted erosion control fabric to avoid impacts to the species noted.
18. Mitigation Project Monitoring plan to be submitted prior to construction in accordance with Env-Wt 803.04 including the information required per Env-Wt 803.03 and Env-Wt 803.01.
19. Plantings shall be monitored for 5 growing seasons.
20. The mitigation areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or shall be replanted and re-established until a functional wetland buffer is replicated in a manner satisfactory to the DES Wetlands Bureau.
21. Contractor is to consider using vegetative blocks that are transplanted from wetland impact areas into the wetland/stream bank re-establishment areas to reduce the opportunity of inserting invasive species and decrease mortality rate by using native species.
22. A post-construction report documenting the status of the completed project with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
23. This approval is not valid until DES receives a one-time payment of \$954,706.95 to the DES Aquatic Resource Mitigation (ARM) Fund. The applicant shall remit payment to DES. If DES does not receive payment within 120 days of the date of this approval letter, DES will deny the application.

GENERAL CONDITIONS THAT APPLY TO ALL NHDES WETLANDS PERMITS:

1. A copy of this permit shall be posted on site during construction in a prominent location visible to inspecting personnel;
2. This permit does not convey a property right, nor authorize any injury to property of others, nor invasion of rights of others;
3. The Wetlands Bureau shall be notified upon completion of work;
4. This permit does not relieve the applicant from the obligation to obtain other local, state or federal permits, and/or consult with other agencies as may be required (including US EPA, US Army Corps of Engineers, NH Department of Transportation, NH Division of Historical Resources (NH Department of Cultural Resources), NHDES-Alteration of Terrain, etc.);
5. Transfer of this permit to a new owner shall require notification to and approval by NHDES;

6. This project has been screened for potential impacts to **known** occurrences of protected species and exemplary natural communities in the immediate area. Since many areas have never been surveyed, or have only received cursory inventories, unidentified sensitive species or communities may be present. This permit does not absolve the permittee from due diligence in regard to state, local or federal laws regarding such communities or species.
7. Review enclosed sheet for status of the US Army Corps of Engineers' federal wetlands permit.

APPROVED: 
Lori Sommer
NHDES Wetlands Bureau

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BY SIGNING BELOW I HEREBY CERTIFY THAT I HAVE FULLY READ THIS PERMIT AND AGREE TO ABIDE BY ALL PERMIT CONDITIONS.


OWNER'S SIGNATURE (required)

CONTRACTOR'S SIGNATURE (required)



The State of New Hampshire

Department of Environmental Services



Robert R. Scott, Commissioner

July 24, 2017

NH DEPT OF TRANSPORTATION
ATTN MARC LAURIN
PO BOX 483
CONCORD NH 03302-0483

RECEIVED
BUREAU OF ENVIRONMENT
JUL 24 2017
NH DEPARTMENT OF
TRANSPORTATION

RE: New Hampshire Department of Environmental Services (NHDES)
Wetlands Bureau File #2016-02893, 13953, NH ROUTE 101 - WALLACE STREET TO BOYNTON ROAD, BEDFORD

Dear Sir or Madam:

This letter confirms the receipt of \$954,706.95 for NHDOT project 13953 for the sale of 3.5 wetland credits and 138 stream credits to compensate for the following impacts to habitats in the Merrimack River watershed/service area. These impacts are authorized by NHDES and the Corps permits as follows:

# of Credits	Wetland Type	Service Area
0.6	Palustrine Forested (PFO) -permanent impacts	Merrimack River
0.5	Palustrine Scrub Shrub (PSS) - permanent impacts	Merrimack River
2.3	Palustrine Emergent (PEM) - permanent impacts	Merrimack River
0.1	Palustrine Unconsolidated Bottom (PUB) - permanent impacts	Merrimack River
138	Stream - R2UB - permanent impacts	Merrimack River

By making this payment, the Permittee permanently transfers responsibility for the mitigation liability to NHDES, Aquatic Resource Mitigation (ARM) Fund Program. By accepting the mitigation payment, NHDES is solely responsible for use of these funds, less an administrative fee, to provide compensatory mitigation for the above-described impacts.

Sincerely,

Lori L. Sommer
NHDES Wetland Mitigation Coordinator

cc: Ruth Ladd, USACOE (Ruth.M.Ladd@usace.army.mil)